

1 Michele R. Stafford, Esq. (SBN 172509)
Erica J. Russell, Esq. (SBN 274494)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, California 94104
Telephone: (415) 882-7900
4 Facsimile: (415) 882-9287
mstafford@sjlawcorp.com
5 erussell@sjlawcorp.com

6 Attorneys for Plaintiffs,
Board of Trustees of Sheet Metal Workers Local 104
7 Health Care Plan, et al.

8 Joseph W. McCarthy, Esq. (SBN 16443)
JOSEPH W. MCCARTHY, A LAW CORPORATION
9 400 Reed Street/PO Box 58032
Santa Clara, California 95050
10 Telephone: (408) 727-4111
Facsimile: (408) 727-4343
11 joe@mccarthylawcorp.com

12 Attorneys for Defendant,
Bay Area Balancing & Cleanrooms, Inc.
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 BOARDS OF TRUSTEES OF
SHEET METAL WORKERS LOCAL 104
18 HEALTH CARE PLAN, et al.,

19 Plaintiffs,

20 v.

21 BAY AREA BALANCING AND
CLEANROOMS, INC.,

22 Defendant.
23

Case No.: C14-01739 HSG

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE;
~~[PROPOSED]~~ ORDER THEREON**

Date: May 24, 2016

Time: 2:00 p.m.

Ctrm: Courtroom 15, 18th Floor
450 Golden Gate Avenue

Judge: The Honorable Haywood S. Gilliam

24 The parties to this matter, by and through their respective counsel of record, hereby
25 respectfully request that the Case Management Conference currently scheduled for May 24, 2016,
26 at 2:00 p.m. in the above-captioned Court, be continued for approximately forty-five to sixty (45-
27 60) days, as follows:
28

1 1. As the Court's records will reflect, this action was filed on April 15, 2014 to
2 compel Defendant to comply with the terms of its Collective Bargaining Agreement. [Dkt. No. 1].

3 2. The Clerk entered Defendant's Default on June 13, 2014 [Dkt. No. 13], which was
4 subsequently set aside through stipulation of the parties on March 2, 2015. [Dkt. No. 36].

5 3. Defendant's counsel substituted into this matter to replace Defendant's prior
6 counsel on April 1, 2015. [Dkt. No. 42].

7 4. On April 1, 2015, Defendant filed an Answer to the Complaint, and a Counterclaim
8 against Plaintiff Sheet Metal Workers' International Association Local Union No. 104 ("Union").
9 [Dkt. No. 43].

10 5. The Union obtained separate counsel on April 15, 2015. [Dkt. No. 44].

11 6. Through stipulation of the parties, the Union was granted an extension of time to
12 file its response to the Counterclaim, up to and including May 13, 2015. [Dkt. No. 46].

13 7. On May 12, 2015, Defendant filed a Voluntary Dismissal of the Counterclaim
14 against the Union. [Dkt. No. 47].

15 8. On August 11, 2015, Defendant filed a Motion for Leave to File Counterclaim
16 against the Union. [Dkt. No. 58]. On August 12, 2015, Defendant and the Union filed a Stipulation
17 for Extension of Time to Respond to Motion for Leave to File Counterclaim [Dkt. No. 59].

18 9. On August 13, 2015, Defendant re-noticed the hearing on its Motion for Leave to
19 File Counterclaim. [Dkt. No. 61].

20 10. Also on August 13, 2015, the Court granted Defendant's and the Union's
21 Stipulation for Extension of Time to Respond to Motion for Leave to File Counterclaim. [Dkt. No.
22 62]. The Court set the Union's Response deadline to September 3, 2015, and Defendant's Reply
23 deadline to September 10, 2015.

24 11. The Union filed its Response on September 3, 2015, and Defendant filed its Reply
25 on September 9, 2015. [Dkt. Nos. 65-66]. The hearing on Defendant's Motion for Leave to File
26 Counterclaim was held on October 15, 2015, and the matter was taken under submission by the
27 Court.

1 12. On October 30, 2015, Plaintiffs filed a Motion for Summary Judgment against
2 Defendant. [Dkt. Nos. 68-75].

3 13. On November 10, 2015, the Court rescheduled the hearing on Plaintiffs' Motion for
4 Summary Judgment to December 10, 2015. [Dkt. No. 77].

5 14. On November 13, 2015, Defendant filed its Response to Plaintiffs' Motion for
6 Summary Judgment. On November 20, 2015, Plaintiffs filed a Reply to Defendant's Response.
7 [Dkt. Nos. 78, 80].

8 15. On November 16, 2015, the Court entered an Order denying Defendant's Motion
9 for Leave to File Counterclaim against the Union. [Dkt. No. 79].

10 16. The hearing on Plaintiffs' Motion for Summary Judgment against Defendant was
11 held on December 10, 2015, and the matter was taken under submission by the Court.

12 17. On May 13, 2016, the Court entered an Order Granting in Part and Denying in Part
13 Plaintiffs' Motion for Summary Judgment, and scheduled a Case Management Conference for
14 May 24, 2016 to discuss trial and settlement conference dates. [Dkt. No. 82].

15 18. The parties are attempting to settle this matter without the need for further
16 litigation. Plaintiffs have prepared a payment plan for amounts owed by Defendant, in the form of
17 a Judgment Pursuant to Stipulation, which is pending with Defendant for execution.

18 19. Plaintiffs have been informed by the Union that it intends to seek attorneys' fees
19 and costs incurred in the Counterclaim litigation described herein.

20 20. There are no further issues that need to be addressed by this Court at the currently
21 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
22 time and resources, parties respectfully request that the Court continue the currently scheduled Case
23 Management Conference for approximately forty-five to sixty (45-60) days, to allow for sufficient
24 time for Defendant to execute, and Plaintiffs to file, the Judgment Pursuant to Stipulation.

25 21. The parties hereto recognize that a case management conference statement is due
26 seven days in advance of the case management conference date, pursuant to Local Rule 16-9.
27 Should this Court require parties to file a complete Case Management Conference Statement,
28 parties will do so promptly.

1 Dated: May 17, 2016

SALTZMAN & JOHNSON
LAW CORPORATION

2
3 By: _____/S/

4 Michele R. Stafford, Esq.
5 Attorneys for Plaintiffs, Board of Trustees of
6 Sheet Metal Workers Local 104 Health Care
Plan, et al.

7 Dated: May 17, 2016

JOSEPH W. MCCARTHY, A LAW
CORPORATION

8
9 By: _____/S/

10 Joseph W. McCarthy, Esq.
11 Attorneys for Defendant, Bay Area Balancing
& Cleanrooms, Inc.

12 **IT IS SO ORDERED.**

13 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
14 Management Conference is hereby continued to _____, and all related deadlines
15 are extended accordingly.

16
17 Date: _____

18 THE HONORABLE HAYWOOD S. GILLIAM
19 UNITED STATES DISTRICT COURT
20
21
22
23
24
25
26
27
28

1 Dated: May , 2016

SALTZMAN & JOHNSON
LAW CORPORATION

2
3 By: _____

4 Michele R. Stafford, Esq.
5 Attorneys for Plaintiffs, Board of Trustees of
6 Sheet Metal Workers Local 104 Health Care
Plan, et al.

7 Dated: May ¹⁷, 2016

JOSEPH W. MCCARTHY, A LAW
CORPORATION

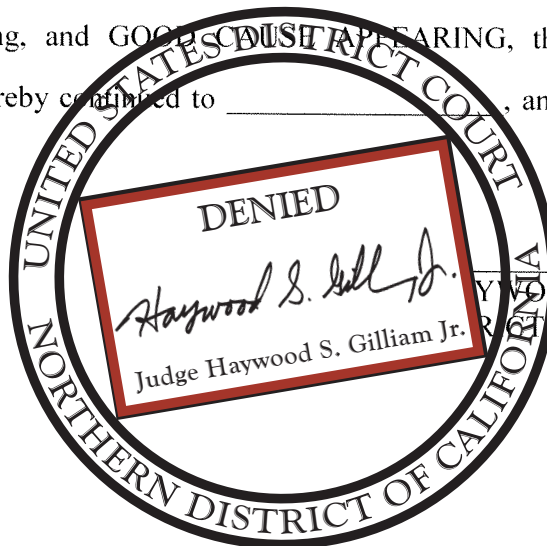
8
9 By: _____

10 Joseph W. McCarthy, Esq.
11 Attorneys for Defendant, Bay Area Balancing
& Cleanrooms, Inc.

12 **IT IS SO ORDERED.**

13 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
14 Management Conference is hereby continued to _____, and all related deadlines
15 are extended accordingly.

16 Date: 5/19/2016



17
18 HAYWOOD S. GILLIAM
19 JUDGE COURT